

1           (3) For the purposes of sub. (1), a county's increase in population per square  
2 mile is the percentage by which the county's population per square mile based on the  
3 department of administration's 2007 population estimate under s. 16.96 exceeds the  
4 county's population per square mile based on the 2000 federal census.

5           **91.16 Certification of plan by the department.** (1) GENERAL. The  
6 department may certify a farmland preservation plan or an amendment to a  
7 farmland preservation plan as provided in this section.

8           (2) CERTIFICATION PERIOD. (a) The department may certify a farmland  
9 preservation plan for a period that does not exceed 10 years. The department shall  
10 specify the expiration date of the certification of the farmland preservation plan in  
11 the certification.

12           (b) The certification of an amendment to a certified farmland preservation plan  
13 expires on the date that the certification of the farmland preservation plan expires,  
14 except that the department may treat a comprehensive revision of a certified  
15 farmland preservation plan as a new farmland preservation plan and shall specify  
16 an expiration date for the certification of the revised farmland preservation plan as  
17 provided in par. (a).

18           (3) SCOPE OF DEPARTMENT REVIEW. (a) The department may certify a county's  
19 farmland preservation plan or an amendment to the farmland preservation plan  
20 based on the county's certification under s. 91.20 (3), without conducting any  
21 additional review or audit.

22           (b) The department may do any of the following before it certifies a county's  
23 farmland preservation plan or amendment:

24           1. Review the farmland preservation plan or amendment for compliance with  
25 s. 91.18.

1           2. Review and independently verify the application for certification, including  
2           the statement under s. 91.20 (3).

3           **(4) DENIAL OF CERTIFICATION.** The department shall deny a county's application  
4           for certification of a farmland preservation plan or amendment if the department  
5           finds any of the following:

6           (a) That the farmland preservation plan or amendment does not comply with  
7           the requirements in s. 91.18.

8           (b) That the application for certification does not comply with s. 91.20.

9           **(5) WRITTEN DECISION; DEADLINE.** The department shall grant or deny an  
10          application for certification under this section no more than 90 days after the day on  
11          which the county submits a complete application, unless the county agrees to an  
12          extension. The department shall issue its decision in the form required by s. 227.47  
13          (1).

14          **(6) CONDITIONAL CERTIFICATION.** The department may grant an application for  
15          certification under this section subject to conditions specified by the department in  
16          its decision under sub. (5). The department may certify a farmland preservation plan  
17          or amendment contingent upon the county board adopting the farmland  
18          preservation plan or amendment as certified.

19          **(7) EFFECTIVE DATE OF CERTIFICATION.** A certification under this section takes  
20          effect on the day on which the department issues its decision, except that if the  
21          department specifies conditions under sub. (6), the certification takes effect on the  
22          day on which the department determines that the county has met the conditions.

23          **(8) EFFECTIVENESS OF PLAN AMENDMENTS.** For purposes of this chapter and s.  
24          71.613, a certified farmland preservation plan does not include an amendment

1 adopted after the effective date of this subsection .... [LRB inserts date], unless the  
2 department certifies the amendment.

3 (9) WITHDRAWAL OF CERTIFICATION. The department may withdraw a  
4 certification that it granted under sub. (3) (a) if the department finds that the  
5 farmland preservation plan materially violates the requirements under s. 91.18.

6 **91.18 Requirements for certification of plan. (1)** A farmland preservation  
7 plan qualifies for certification under s. 91.16 if it complies with all of the following:

8 (a) The requirements in s. 91.10 (1) and (2).

9 (b) Any other requirements that the department specifies by rule.

10 (2) An amendment to a farmland preservation plan qualifies for certification  
11 under s. 91.16 if it complies with all of the requirements in sub. (1) that are relevant  
12 to the amendment and it does not cause the farmland preservation plan to violate  
13 any of the requirements in sub. (1).

14 **91.20 Applying for certification of plan.** A county seeking certification of  
15 a farmland preservation plan or amendment to a farmland preservation plan shall  
16 submit all of the following to the department in writing, along with any other  
17 relevant information that the county chooses to provide:

18 (1) The proposed farmland preservation plan or amendment.

19 (2) All of the following background information:

20 (a) A concise summary of the farmland preservation plan or amendment,  
21 including key changes from any previously certified farmland preservation plan.

22 (b) A concise summary of the process by which the farmland preservation plan  
23 or amendment was developed, including public hearings, notice to and involvement  
24 of other governmental units within the county, approval by the county, and  
25 identification of any key unresolved issues between the county and other

1 governmental units within the county related to the farmland preservation plan or  
2 amendment.

3 (c) The relationship of the farmland preservation plan or amendment to any  
4 county comprehensive plan.

5 (3) A statement, signed by the county corporation counsel and the county  
6 planning director or chief elected official, certifying that the farmland preservation  
7 plan or amendment complies with all of the requirements in s. 91.18.

8 (4) Other relevant information that the department requires by rule.

9 SUBCHAPTER III

10 FARMLAND PRESERVATION ZONING

11 **91.30 Authority to adopt.** A political subdivision may adopt a farmland  
12 preservation zoning ordinance.

13 **91.32 Certified ordinance.** The following zoning ordinances are certified, for  
14 the purposes of this chapter and s. 71.613:

15 (1) An exclusive agricultural use zoning ordinance that was certified under s.  
16 91.06, 2007 stats., if the certification has not expired or been withdrawn.

17 (2) A farmland preservation zoning ordinance that was certified under s. 91.36  
18 if the certification has not expired or been withdrawn.

19 **91.34 Expiration of zoning certification.** (1) The certification of a  
20 farmland preservation zoning ordinance that was certified under s. 91.06, 2007  
21 stats., expires on the date provided in the certification or, if the certification does not  
22 provide an expiration date, on the following date:

23 (a) December 31, 2012, for a county with an increase in population per square  
24 mile of more than 9 percent or a city, village, or town in such a county.

1 (b) December 31, 2013, for a county with an increase in population per square  
2 mile of more than 3.75 percent but not more than 9 percent or a city, village, or town  
3 in such a county.

4 (c) December 31, 2014, for a county with an increase in population per square  
5 mile of more than 1.75 percent but not more than 3.75 percent or a city, village, or  
6 town in such a county.

7 (d) December 31, 2015, for a county with an increase in population per square  
8 mile of more than 0.8 percent but not more than 1.75 percent or a city, village, or town  
9 in such a county.

10 (e) December 31, 2016, for a county with an increase in population per square  
11 mile of not more than 0.8 percent or a city, village, or town in such a county.

12 (2) The certification of a farmland preservation zoning ordinance that the  
13 department certifies under s. 91.36 expires on the date specified under s. 91.36 (2).

14 (3) For the purposes of sub. (1), a county's increase in population per square  
15 mile is the percentage by which the county's population per square mile based on the  
16 department of administration's 2007 population estimate under s. 16.96 exceeds the  
17 county's population per square mile based on the 2000 federal census.

18 **91.36 Certification of zoning ordinance by the department. (1)**

19 GENERAL. The department may certify a farmland preservation zoning ordinance or  
20 an amendment to a farmland preservation zoning ordinance as provided in this  
21 section.

22 (2) CERTIFICATION PERIOD. (a) The department may certify a farmland  
23 preservation zoning ordinance for a period that does not exceed 10 years. The  
24 department shall specify the expiration date of the certification of the farmland  
25 preservation zoning ordinance in the certification.

1           (b) The certification of an amendment to a certified farmland preservation  
2 zoning ordinance expires on the date that the certification of the farmland  
3 preservation zoning ordinance expires, except that the department may treat a  
4 comprehensive revision of a certified farmland preservation zoning ordinance as a  
5 new farmland preservation zoning ordinance and specify an expiration date for the  
6 certification of the revised farmland preservation zoning ordinance as provided in  
7 par. (a).

8           **(3) SCOPE OF DEPARTMENT REVIEW.** (a) The department may certify a farmland  
9 preservation zoning ordinance or amendment to a farmland preservation zoning  
10 ordinance based on statements submitted under s. 91.40 (3) and (4), without  
11 conducting any additional review or audit.

12           (b) The department may do any of the following before it certifies a farmland  
13 preservation zoning ordinance or amendment:

14           1. Review the farmland preservation zoning ordinance or amendment for  
15 compliance with the requirements under s. 91.38.

16           2. Review and independently verify the application for certification, including  
17 the statements under s. 91.40 (3) and (4).

18           **(4) DENIAL OF CERTIFICATION.** The department shall deny an application for  
19 certification of a farmland preservation zoning ordinance or amendment if the  
20 department finds any of the following:

21           (a) That the farmland preservation zoning ordinance or amendment does not  
22 comply with the requirements in s. 91.38.

23           (b) That the application for certification does not comply with s. 91.40.

24           **(5) WRITTEN DECISION; DEADLINE.** The department shall grant or deny an  
25 application for certification under this section no more than 90 days after the day on

1 which the political subdivision submits a complete application, unless the political  
2 subdivision agrees to an extension. The department shall issue its decision in the  
3 form required by s. 227.47 (1).

4 (6) CONDITIONAL CERTIFICATION. The department may grant an application for  
5 certification under this section subject to conditions specified by the department in  
6 its decision under sub. (5). The department may certify a farmland preservation  
7 zoning ordinance or amendment contingent upon the political subdivision adopting  
8 the farmland preservation zoning ordinance or amendment as certified.

9 (7) EFFECTIVE DATE OF CERTIFICATION. A certification under this section takes  
10 effect on the day on which the department issues the certification, except that if the  
11 department specifies conditions under sub. (6), the certification takes effect on the  
12 day on which the department determines that the political subdivision has met the  
13 conditions.

14 (8) AMENDMENTS TO ORDINANCES; CERTIFICATION. (a) Except as provided in par.  
15 (b), an amendment to a certified farmland preservation zoning ordinance is  
16 automatically considered to be certified as part of the certified farmland preservation  
17 zoning ordinance.

18 (b) An amendment to a certified farmland preservation zoning ordinance that  
19 is one of the following and that is adopted after the effective date of this paragraph  
20 .... [LRB inserts date], is not automatically considered to be certified:

21 1. An amendment that is a comprehensive revision of a certified farmland  
22 preservation zoning ordinance.

23 2. An amendment that extends coverage of a certified farmland preservation  
24 zoning ordinance to a town that was not previously covered.

1           3. An amendment of a type specified by the department by rule that may  
2 materially affect compliance of the certified farmland preservation zoning ordinance  
3 with the requirements under s. 91.38.

4           (c) The department may withdraw certification of a farmland preservation  
5 zoning ordinance if, as a result of an amendment adopted after the effective date of  
6 this paragraph .... [LRB inserts date], the amended farmland preservation zoning  
7 ordinance fails to comply with the requirements under s. 91.38. This paragraph  
8 applies regardless of whether the farmland preservation zoning ordinance was  
9 originally certified under s. 91.06, 2007 stats., or under this section.

10          (d) A political subdivision shall notify the department in writing whenever the  
11 political subdivision adopts an amendment that is described in par. (b) 1. to 3. to a  
12 certified farmland preservation zoning ordinance. The political subdivision shall  
13 include a copy of the amendment in the notice. This paragraph does not apply to an  
14 amendment that rezones land out of a farmland preservation zoning district.

15           **91.38 Requirements for certification of ordinance.** (1) A farmland  
16 preservation zoning ordinance does not qualify for certification under s. 91.36 unless  
17 all of the following apply:

18           (a) The farmland preservation zoning ordinance includes jurisdictional,  
19 organizational, and enforcement provisions that are necessary for proper  
20 administration.

21           (c) The farmland preservation zoning ordinance clearly designates farmland  
22 preservation zoning districts in which land uses are limited in compliance with s.  
23 91.42.

24           (d) The farmland preservation zoning ordinance includes maps that clearly  
25 delineate each farmland preservation zoning district, so that a reader can easily



1 determine whether a parcel is within a farmland preservation zoning district; that  
2 are correlated to the text under par. (e); and that comply with technical specifications  
3 that the department establishes by rule.

4 (e) The text of the farmland preservation zoning ordinance clearly describes the  
5 types of land uses authorized in each farmland preservation zoning district.

6 (f) The farmland preservation zoning ordinance is substantially consistent  
7 with a certified farmland preservation plan.

8 (g) Except as provided by the department by rule, land is not included in a  
9 farmland preservation zoning district unless the land is included in a farmland  
10 preservation area identified in the county certified farmland preservation plan.

11 (h) If an overlay district, such as an environmental corridor, is superimposed  
12 on a farmland preservation zoning district, all of the following apply:

13 1. The farmland preservation zoning ordinance clearly identifies the overlay  
14 district as such.

15 2. The overlay district is shown on the maps under par. (d) in a way that allows  
16 a reader to easily identify the underlying farmland preservation zoning district and  
17 its boundaries.

18 3. The overlay district does not remove land use restrictions from the  
19 underlying farmland preservation zoning district.

20 (i) The farmland preservation zoning ordinance complies with any other  
21 requirements that the department specifies by rule.

22 (2) An amendment to a farmland preservation zoning ordinance qualifies for  
23 certification under s. 91.36 if it complies with all of the requirements in sub. (1) that  
24 are relevant to the amendment and it does not cause the farmland preservation  
25 zoning ordinance to violate any of the requirements in sub. (1).

1           **91.40 Applying for certification of ordinance.** A political subdivision  
2 seeking certification of a farmland preservation zoning ordinance or amendment to  
3 a farmland preservation zoning ordinance shall submit all of the following to the  
4 department in writing, along with any other relevant information that the political  
5 subdivision chooses to provide:

6           (1) The complete farmland preservation zoning ordinance or amendment  
7 proposed for certification.

8           (2) All of the following background information:

9           (a) A concise summary of the farmland preservation zoning ordinance or  
10 amendment, including key changes from any previously certified farmland  
11 preservation zoning ordinance.

12           (b) A concise summary of the process by which the farmland preservation  
13 zoning ordinance or amendment was developed, including public hearings, notice to  
14 and involvement of other governmental units, approval by the political subdivision,  
15 and identification of any key unresolved issues with other governmental units  
16 related to the farmland preservation zoning ordinance or amendment.

17           (c) A description of the relationship of the farmland preservation zoning  
18 ordinance or amendment to the county certified farmland preservation plan,  
19 including any material inconsistencies between the farmland preservation zoning  
20 ordinance or amendment and the county certified farmland preservation plan.

21           (3) A statement, signed by the county planning director or the chief elected  
22 official, certifying that the farmland preservation zoning ordinance or amendment  
23 complies with s. 91.38 (1) (g) and (h).

1 (4) A statement, signed by the applicant's attorney or chief elected official,  
2 certifying that the farmland preservation zoning ordinance or amendment complies  
3 with all applicable requirements in s. 91.38.

4 (5) Other relevant information that the department requires by rule.

5 **91.42 Land use in farmland preservation zoning districts; general.** A  
6 farmland preservation zoning ordinance does not qualify for certification under s.  
7 91.36, if the farmland preservation zoning ordinance allows a land use in a farmland  
8 preservation zoning district other than the following land uses:

9 (1) Uses identified as permitted uses in s. 91.44.

10 (2) Uses identified as conditional uses in s. 91.46.

11 (3) Prior nonconforming uses, subject to the following:

12 (a) A prior nonconforming use that is a residence may be expanded or  
13 remodeled, as long as there is no increase in the number of dwelling units in the  
14 residence.

15 (b) A prior nonconforming use that is not a residence may continue without  
16 further approval unless it is materially altered.

17 (c) The proposed farmland preservation zoning districts under the farmland  
18 preservation zoning ordinance contain only isolated prior nonconforming uses.

19 (4) Other uses allowed by the department by rule.

20 **91.44 Permitted uses.** (1) A farmland preservation zoning ordinance does  
21 not comply with s. 91.42 if the farmland preservation zoning ordinance allows as a  
22 permitted use in a farmland preservation zoning district a land use other than the  
23 following land uses:

24 (a) Agricultural uses.

25 (b) Accessory uses.

1 (c) Agriculture-related uses.

2 (d) Nonfarm residences constructed in a rural residential cluster in accordance  
3 with an approval of the cluster as a conditional use under s. 91.46 (1) (e).

4 (e) Undeveloped natural resource and open space areas.

5 (f) A transportation, utility, communication, or other use that is required under  
6 state or federal law to be located in a specific place or that is authorized to be located  
7 in a specific place under a state or federal law that preempts the requirement of a  
8 conditional use permit for that use.

9 (g) Other uses identified by the department by rule.

10 **(2)** The department may promulgate rules imposing additional limits on the  
11 permitted uses that may be allowed in a farmland preservation zoning district in  
12 order for a farmland preservation zoning ordinance to comply with s. 91.42.

13 **91.46 Conditional uses. (1) GENERAL.** A farmland preservation zoning  
14 ordinance does not comply with s. 91.42 if the farmland preservation zoning  
15 ordinance allows as a conditional use in a farmland preservation zoning district a  
16 land use other than the following land uses:

17 (a) Agricultural uses.

18 (b) Accessory uses.

19 (c) Agriculture-related uses.

20 (d) Nonfarm residences that qualify under sub. (2) or that meet more restrictive  
21 standards in the farmland preservation zoning ordinance.

22 (e) Nonfarm residential clusters that qualify under sub. (3) or that meet more  
23 restrictive standards in the farmland preservation zoning ordinance.

24 (f) Transportation, communications, pipeline, electric transmission, utility, or  
25 drainage uses that qualify under sub. (4).

1 (g) Governmental, institutional, religious, or nonprofit community uses, other  
2 than uses covered by par. (f), that qualify under sub. (5).

3 (h) Nonmetallic mineral extraction that qualifies under sub. (6).

4 (i) Oil and gas exploration or production that is licensed by the department of  
5 natural resources under subch. II of ch. 295.

6 (j) Other uses allowed by the department by rule.

7 **(1m)** ADDITIONAL LIMITATIONS. The department may promulgate rules imposing  
8 additional limits on the conditional uses that may be allowed in a farmland  
9 preservation zoning district in order for a farmland preservation zoning ordinance  
10 to comply with s. 91.42.

11 **(2)** NONFARM RESIDENCES. A nonfarm residence qualifies for the purposes of sub.  
12 (1) (d) if the political subdivision determines that all of the following apply:

13 (a) The ratio of nonfarm residential acreage to farm acreage on the base farm  
14 tract on which the nonfarm residence will be located will not be greater than 1 to 20  
15 after the nonfarm residence is constructed.

16 (b) There will not be more than 4 dwelling units in nonfarm residences, nor  
17 more than 5 dwelling units in residences of any kind, on the base farm tract after the  
18 nonfarm residence is constructed.

19 (c) The location of the proposed nonfarm residential parcel, and the location of  
20 the nonfarm residence on that nonfarm residential parcel, will not do any of the  
21 following:

22 1. Convert prime farmland from agricultural use or convert land previously  
23 used as cropland, other than a woodlot, from agricultural use if on the farm there are  
24 reasonable alternative locations for a nonfarm residential parcel or nonfarm  
25 residence.

1           2. Significantly impair or limit the current or future agricultural use of other  
2     protected farmland.

3           **(3) NONFARM RESIDENTIAL CLUSTER.** A political subdivision may issue one  
4     conditional use permit that covers more than one nonfarm residence in a qualifying  
5     nonfarm residential cluster. A nonfarm residential cluster qualifies for the purposes  
6     of sub. (1) (e) if all of the following apply:

7           (a) The parcels on which the nonfarm residences would be located are  
8     contiguous.

9           (b) The political subdivision imposes legal restrictions on the construction of  
10    the nonfarm residences so that if all of the nonfarm residences were constructed,  
11    each would satisfy the requirements under sub. (2).

12          **(4) TRANSPORTATION, COMMUNICATIONS, PIPELINE, ELECTRIC TRANSMISSION, UTILITY,**  
13    **OR DRAINAGE USE.** A transportation, communications, pipeline, electric transmission,  
14    utility, or drainage use qualifies for the purposes of sub. (1) (f) if the political  
15    subdivision determines that all of the following apply:

16          (a) The use and its location in the farmland preservation zoning district are  
17    consistent with the purposes of the farmland preservation zoning district.

18          (b) The use and its location in the farmland preservation zoning district are  
19    reasonable and appropriate, considering alternative locations, or are specifically  
20    approved under state or federal law.

21          (c) The use is reasonably designed to minimize conversion of land, at and  
22    around the site of the use, from agricultural use or open space use.

23          (d) The use does not substantially impair or limit the current or future  
24    agricultural use of surrounding parcels of land that are zoned for or legally restricted  
25    to agricultural use.

1 (e) Construction damage to land remaining in agricultural use is minimized  
2 and repaired, to the extent feasible.

3 (5) GOVERNMENTAL, INSTITUTIONAL, RELIGIOUS, OR NONPROFIT COMMUNITY USE. A  
4 governmental, institutional, religious, or nonprofit community use qualifies for the  
5 purposes of sub. (1) (g) if the political subdivision determines that all of the following  
6 apply:

7 (a) The use and its location in the farmland preservation zoning district are  
8 consistent with the purposes of the farmland preservation zoning district.

9 (b) The use and its location in the farmland preservation zoning district are  
10 reasonable and appropriate, considering alternative locations, or are specifically  
11 approved under state or federal law.

12 (c) The use is reasonably designed to minimize the conversion of land, at and  
13 around the site of the use, from agricultural use or open space use.

14 (d) The use does not substantially impair or limit the current or future  
15 agricultural use of surrounding parcels of land that are zoned for or legally restricted  
16 to agricultural use.

17 (e) Construction damage to land remaining in agricultural use is minimized  
18 and repaired, to the extent feasible.

19 (6) NONMETALLIC MINERAL EXTRACTION. Nonmetallic mineral extraction  
20 qualifies for the purposes of sub. (1) (h) if the political subdivision determines that  
21 all of the following apply:

22 (a) The operation complies with subch. I of ch. 295 and rules promulgated under  
23 that subchapter, with applicable provisions of the local ordinance under s. 295.13 or  
24 295.14, and with any applicable requirements of the department of transportation  
25 concerning the restoration of nonmetallic mining sites.

1 (b) The operation and its location in the farmland preservation zoning district  
2 are consistent with the purposes of the farmland preservation zoning district.

3 (c) The operation and its location in the farmland preservation zoning district  
4 are reasonable and appropriate, considering alternative locations outside the  
5 farmland preservation zoning district, or are specifically approved under state or  
6 federal law.

7 (d) The operation is reasonably designed to minimize the conversion of land  
8 around the extraction site from agricultural use or open space use.

9 (e) The operation does not substantially impair or limit the current or future  
10 agricultural use of surrounding parcels of land that are zoned for or legally restricted  
11 to agricultural use.

12 (f) The farmland preservation zoning ordinance requires the owner to restore  
13 the land to agricultural use, consistent with any required locally approved  
14 reclamation plan, when extraction is completed.

15 **91.48 Rezoning of land out of a farmland preservation zoning district.**

16 (1) A political subdivision with a certified farmland preservation zoning ordinance  
17 may rezone land out of a farmland preservation zoning district without having the  
18 rezoning certified under s. 91.36, if all of the following apply:

19 (a) The political subdivision finds all of the following, after public hearing:

20 1. The land is better suited for a use not allowed in the farmland preservation  
21 zoning district.

22 2. The rezoning is consistent with any applicable comprehensive plan.

23 3. The rezoning is substantially consistent with the county certified farmland  
24 preservation plan.



1           4. The rezoning will not substantially impair or limit current or future  
2 agricultural use of surrounding parcels of land that are zoned for or legally restricted  
3 to agricultural use.

4           (b) The owner of the land pays to the political subdivision, for each rezoned acre  
5 or portion thereof, a conversion fee equal to the greater of the following:

6           1. Three times the per acre value, for the year in which the land is rezoned, of  
7 the highest value category of tillable cropland in the city, village, or town in which  
8 the rezoned land is located, as specified by the department of revenue under s. 73.03  
9 (2a).

10          2. An amount specified in the certified farmland preservation zoning  
11 ordinance.

12          (2) A political subdivision shall by March of 1 each year provide all of the  
13 following to the department:

14          (a) A report of the number of acres that the political subdivision has rezoned  
15 out of a farmland preservation zoning district under sub. (1) during the previous year  
16 and a map that clearly shows the location of those acres.

17          (b) A report of the total amount of conversion fees that the political subdivision  
18 received as conversion fees under sub. (1) (b) for the rezoned acres under par. (a).

19          (c) A conversion fee equal to the amount under sub. (1) (b) 1. for each rezoned  
20 acre reported under par. (a).

21          (3) A political subdivision that is not a county shall by March 1 of each year  
22 submit a copy of the information that it reports to the department under sub. (2) (a)  
23 and (b) to the county in which the political subdivision is located.

(4) If a political subdivision fails to comply with sub. (2), the department may withdraw the certification granted under s. 91.06, 2007 stats, or under s. 91.36 for the political subdivision's farmland preservation zoning ordinance.

**91.49 Use of conversion fee revenues.** (1) All conversion fees received under s. 91.48 (2) (c) shall be deposited in the working lands fund.

(2) If a political subdivision specifies a conversion fee under s. 91.48 (1) (b) 2. that is higher than the amount that is specified in s. 91.48 (1) (b) 1. and required to be paid to the department under s. 91.48 (2) (c), the political subdivision shall use the difference for its costs related to farmland preservation planning, zoning, or compliance monitoring.

**91.50 Exemption from special assessments.** (1) Except as provided in sub. (3), no political subdivision, special purpose district, or other local governmental entity may levy a special assessment for sanitary sewers or water against land in agricultural use, if the land is located in a farmland preservation zoning district.

(2) A political subdivision, special purpose district, or other local governmental entity may deny the use of improvements for which the special assessment is levied to land that is exempt from the assessment under sub. (1).

(3) The exemption under sub. (1) does not apply to an assessment that an owner voluntarily pays, after the assessing authority provides notice of the exemption under sub. (1).

## SUBCHAPTER IV

## FARMLAND PRESERVATION AGREEMENTS

**91.60 Farmland preservation agreements; general. (1) AGREEMENTS AUTHORIZED.** The department may enter into a farmland preservation agreement that complies with s. 91.62 with the owner of land that is eligible under sub. (2).

1           **(2) ELIGIBLE LAND.** Land is eligible if all of the following apply:

2           (a) The land is operated as part of a farm that produced at least \$6,000 in gross  
3 farm revenues during the taxable year preceding the year in which the owner applies  
4 for a farmland preservation agreement or a total of at least \$18,000 in gross farm  
5 revenues during the last 3 taxable years preceding the year in which the owner  
6 applies for a farmland preservation agreement.

7           (b) The land is located in a farmland preservation area identified in a certified  
8 farmland preservation plan.

9           (c) The land is in an agricultural enterprise area designated under s. 91.84.

10          **(3) PRIOR AGREEMENTS.** (a) Except as provided in par. (c) or s. 91.66, a farmland  
11 preservation agreement entered into before the effective date of this paragraph ....  
12 [LRB inserts date], remains in effect for the term specified in the agreement and  
13 under the terms that were agreed upon when the agreement was last created,  
14 extended, or renewed.

15          (b) The department may not extend or renew a farmland preservation  
16 agreement entered into before the effective date of this paragraph .... [LRB inserts  
17 date].

18          (c) The department and an owner of land who entered into a farmland  
19 preservation agreement before the effective date of this paragraph .... [LRB inserts  
20 date] may agree to modify the farmland preservation agreement in order to allow the  
21 owner to claim the tax credit under s. 71.613 rather than the tax credit for which the  
22 owner would otherwise be eligible.

23          **91.62 Farmland preservation agreements; requirements. (1) CONTENTS.**

24          The department may not enter into a farmland preservation agreement unless the  
25 agreement does all of the following:

1 (a) Specifies a term of at least 15 years.

2 (b) Includes a correct legal description of the tract of land covered by the  
3 farmland preservation agreement.

4 (c) Includes provisions that restrict the tract of land to the following uses:

5 1. Agricultural uses and accessory uses.

6 2. Undeveloped natural resource and open space uses.

7 (2) FORM. The department shall specify a form for farmland preservation  
8 agreements that complies with s. 59.43 (2m).

9 (3) EFFECTIVENESS. A farmland preservation agreement takes effect when it is  
10 signed by all owners of the land covered by the farmland preservation agreement and  
11 by the department.

12 (4) RECORDING. The department shall provide a copy of a signed farmland  
13 preservation agreement to a person designated by the signing owners and shall  
14 promptly present the signed agreement to the register of deeds for the county in  
15 which the land is located for recording.

16 (5) CHANGE OF OWNERSHIP. A farmland preservation agreement is binding on  
17 a person who purchases land during the term of a farmland preservation agreement  
18 that covers the land.

19 **91.64 Applying for a farmland preservation agreement.** (1) SUBMITTING  
20 AN APPLICATION. An owner who wishes to enter into a farmland preservation  
21 agreement shall submit an application, on a form provided by the department, to the  
22 county clerk of the county in which the land is located.

23 (2) CONTENTS OF APPLICATION. A person submitting an application under sub.  
24 (1) shall include all of the following in the application:

1 (a) The name and address of each person who has an ownership interest in the  
2 land proposed for coverage by the agreement.

3 (b) The location of the land proposed for coverage, indicated by street address,  
4 global positioning system coordinates, or township, range, and section.

5 (c) The legal description of the land proposed for coverage.

6 (d) A map or aerial photograph of the land proposed for coverage, showing  
7 parcel boundaries, residences and other structures, and significant natural features.

8 (e) Information showing that the land proposed for coverage is eligible under  
9 s. 91.60 (2).

10 (f) A description of every existing mortgage, easement, and lien, other than  
11 liens on growing crops, on land proposed for coverage, including the name and  
12 address of the person holding the lien, mortgage, or easement.

13 (g) A signed agreement from each person required to be identified under par.  
14 (f) subordinating the person's lien, mortgage, or easement to the agreement.

15 (h) Any other information required by the department by rule.

16 (i) Any fee under sub. (2m).

17 **(2m)** COUNTY PROCESSING FEE. A county may charge a reasonable fee for  
18 processing an application for a farmland preservation agreement.

19 **(3)** COUNTY REVIEW. (a) A county shall review an application under sub. (2) to  
20 determine whether the land proposed for coverage meets the requirements under s.  
21 91.60 (2) (b) and (c). The county shall provide its findings to the applicant in writing  
22 within 60 days after the day on which the county clerk receives a complete  
23 application.

24 (b) If the county finds under par. (a) that the land proposed for coverage meets  
25 the requirements under s. 91.60 (2) (b) and (c), the county shall promptly send all of

1 the following to the department, along with any other comments that the county  
2 chooses to provide:

3 1. The original application, including all of the information provided with the  
4 application.

5 2. A copy of the county's findings.

6 (4) DEPARTMENT ACTION ON APPLICATION. (a) The department may prepare a  
7 farmland preservation agreement that complies with s. 91.62 and enter into the  
8 farmland preservation agreement under s. 91.60 (1) based on a complete application  
9 and on county findings under sub. (3) (b).

10 (b) The department may decline to enter into a farmland preservation  
11 agreement for any of the following reasons:

12 1. The application is incomplete.

13 2. The land is not eligible land under s. 91.60 (2).

14 **91.66 Terminating a farmland preservation agreement.** (1) The  
15 department may terminate a farmland preservation agreement or release land from  
16 a farmland preservation agreement at any time if all of the following apply:

17 (a) All of the owners of land covered by the farmland preservation agreement  
18 consent to the termination or release, in writing.

19 (b) The department finds that the termination or release will not impair or limit  
20 agricultural use of other protected farmland.

21 (c) The owners of the land pay to the department, for each acre or portion  
22 thereof released from the farmland preservation agreement, a conversion fee equal  
23 to 3 times the per acre value, for the year in which the farmland preservation  
24 agreement is terminated or the land is released, of the highest value category of

1 tillable cropland in the city, village, or town in which the land is located, as specified  
2 by the department of revenue under s. 73.03 (2a).

3 (1m) All conversion fees received under sub. (1) (c) shall be deposited in the  
4 working lands fund.

5 (2) The department shall provide a copy of its decision to terminate a farmland  
6 preservation agreement or release land from a farmland preservation agreement to  
7 a person designated by the owners of the land and shall present a copy of the decision  
8 to the register of deeds for the county in which the land is located for recording.

9 **91.68 Violations of farmland preservation agreements.** (1) The  
10 department may bring an action in circuit court to do any of the following:

11 (a) Enforce a farmland preservation agreement.

12 (b) Restrain, by temporary or permanent injunction, a change in land use that  
13 violates a farmland preservation agreement.

14 (c) Seek a civil forfeiture for a change in land use that violates a farmland  
15 preservation agreement.

16 (2) A forfeiture under sub. (1) (c) may not exceed twice the fair market value  
17 of the land covered by the agreement at the time of the violation.

18 **91.70 Farmland preservation agreements; exemption from special**  
19 **assessments.** (1) Except as provided in sub. (3), no political subdivision, special  
20 purpose district, or other local governmental entity may levy a special assessment  
21 for sanitary sewers or water against land in agricultural use, if the land is covered  
22 by a farmland preservation agreement.

23 (2) A political subdivision, special purpose district or other local governmental  
24 entity may deny the use of improvements for which the special assessment is levied  
25 to land that is exempt from the assessment under sub. (1).

(3) The exemption under sub. (1) does not apply to an assessment that an owner voluntarily pays, after the assessing authority provides notice of the exemption under sub. (1).

## SUBCHAPTER V

## SOIL AND WATER CONSERVATION

**91.80 Soil and water conservation by persons claiming tax credits.** An owner claiming farmland preservation tax credits under s. 71.613 shall comply with applicable land and water conservation standards promulgated by the department under ss. 92.05 (3) (c) and (k), 92.14 (8), and 281.16 (3) (b) and (c).

**91.82 Compliance monitoring. (1) COUNTY RESPONSIBILITY.** (a) A county land conservation committee shall monitor compliance with s. 91.80.

(b) For the purpose of par. (a), a county land conservation committee shall inspect each farm for which the owner claims farmland preservation tax credits under subch. IX of ch. 71 at least once every 4 years.

(c) For the purpose of par (a), a county land conservation committee may do any of the following:

1. Inspect land that is covered by a farmland preservation agreement or farmland preservation zoning and that is in agricultural use.

2. Require an owner to certify, not more than annually, that the owner complies with s. 91.80.

(d) At least once every 4 years, the department shall review each county land conservation committee's compliance with par. (b).

**(2) NOTICE OF NONCOMPLIANCE.** (a) A county land conservation committee shall issue a written notice of noncompliance to an owner if the committee finds that the owner has done any of the following:



1 1. Failed to comply with s. 91.80.

2 2. Failed to permit a reasonable inspection under sub. (1) (c) 1.

3 3. Failed to certify compliance as required under sub. (1) (c) 2.

4 (b) A county land conservation committee shall provide to the department of  
5 revenue a copy of each notice of noncompliance issued under par. (a).

6 (c) If a county land conservation committee determines that an owner has  
7 corrected the failure described in a notice of noncompliance under par. (a), it shall  
8 withdraw the notice of noncompliance and notify the owner and the department of  
9 revenue of the withdrawal.

10 (3) PROCEDURE. The department may promulgate rules prescribing procedures  
11 for the administration of this section by land conservation committees.

## 12 SUBCHAPTER VI

### 13 AGRICULTURAL ENTERPRISE AREAS

14 **91.84 Agricultural enterprise areas; general.** (1) DESIGNATION. (a) 1. The  
15 department may by rule designate agricultural enterprise areas targeted for  
16 agricultural preservation and development.

17 2. The department may by rule modify or terminate the designation of an  
18 agricultural enterprise area.

19 (b) Subject to par. (c), the department may designate agricultural enterprise  
20 areas with a combined area of not more than 1,000,000 acres of land.

21 (c) Before January 1, 2012, the department may designate not more than 10  
22 agricultural enterprise areas with a combined area of not more than 200,000 acres  
23 of land.

24 (e) The department may not designate an area as an agricultural enterprise  
25 area unless all of the following apply:

1           1. The department receives a petition requesting the designation and the  
2           petition complies with s. 91.86.

3           3. The parcels in the area are contiguous. Parcels that are only separated by  
4           a lake, stream, or transportation or utility right-of-way are contiguous for the  
5           purposes of this subdivision.

6           4. The area is located entirely in a farmland preservation area identified in a  
7           certified farmland preservation plan.

8           5. The land in the area is primarily in agricultural use.

9           (f) In designating agricultural areas under this subsection, the department  
10          shall give preference to areas that include at least 1,000 acres of land.

11          **(2) EMERGENCY RULES.** The department may use the procedure under s. 227.24  
12          to promulgate a rule designating an agricultural preservation area or modifying or  
13          terminating the designation of an agricultural preservation area. Notwithstanding  
14          s. 227.24 (1) (c) and (2), a rule promulgated under this subsection remains in effect  
15          until the department modifies or repeals the rule. Notwithstanding s. 227.24 (1) (a)  
16          and (3), the department is not required to determine that promulgating a rule under  
17          this subsection as an emergency rule is necessary for the preservation of the public  
18          peace, health, safety, or welfare and is not required to provide a finding of emergency  
19          for a rule promulgated under this subsection.

20          **(3) EFFECT OF DESIGNATION.** The designation of an area under sub. (1) allows  
21          owners of eligible land within the area to enter into farmland preservation  
22          agreements with the department. If the department modifies or terminates the  
23          designation of an area under sub. (1) and that modification or termination results in  
24          land covered by a farmland preservation agreement no longer being located in a  
25          designated area, the farmland preservation agreement remains in effect for the

1 remainder of its term, but the department may not extend or renew the farmland  
2 preservation agreement.

3 (4) MAP. In a rule designating an agricultural enterprise area, the department  
4 shall include a map that clearly shows the boundaries of the proposed agricultural  
5 enterprise area so that a reader can easily determine whether a parcel of land is  
6 located within the agricultural enterprise area.

7 (5) EFFECTIVE DATE OF DESIGNATION. The designation of an agricultural  
8 enterprise area takes effect on January 1 of the calendar year following the year in  
9 which the rule designating the area is published, unless the rule specifies a later  
10 effective date.

11 **91.86 Agricultural enterprise area; petition. (1) DEFINITION.** In this  
12 section, "eligible farm" means a farm that produced at least \$6,000 in gross farm  
13 revenues during the taxable year preceding the year in which a petition is filed  
14 requesting the department to designate an area in which the farm is located as an  
15 agricultural enterprise area or a total of at least \$18,000 in gross farm revenues  
16 during the 3 taxable years preceding the year in which a petition is filed.

17 (2) PETITIONERS. (a) The department may consider a petition requesting that  
18 it designate an area as an agricultural enterprise area if all of the following jointly  
19 file the petition:

20 1. Each political subdivision in which any part of the proposed agricultural  
21 enterprise area is located.

22 2. Owners of at least 5 eligible farms located in the area.

23 (b) Each petitioner under par. (a) who is an individual shall sign the petition.  
24 For a petitioner that is not an individual, an authorized officer or representative  
25 shall sign the petition.

1           **(3) CONTENTS OF PETITION.** (a) The department may not approve a petition  
2 requesting that it designate an area as an agricultural enterprising area unless the  
3 petition contains all of the following:

4           1. The correct legal name and principal address of each petitioner.

5           2. A summary of the petition that includes the purpose and rationale for the  
6 petition.

7           3. A map that clearly shows the boundaries of the proposed agricultural  
8 enterprise area so that a reader can easily determine whether a parcel of land is  
9 located within the proposed area.

10          4. Information showing that the proposed agricultural enterprise area meets  
11 the requirements under s. 91.84 (1) (e).

12          5. A clear description of current land uses in the proposed agricultural  
13 enterprise area, including current agricultural uses, agriculture-related uses,  
14 transportation, utility, energy, and communication uses, and undeveloped natural  
15 resource and open space uses.

16          6. A clear description of the agricultural land use and development goals for  
17 the proposed agricultural enterprise area, including proposed agricultural uses,  
18 agriculture-related uses, and relevant transportation, utility, energy, and  
19 communication uses.

20          7. A plan for achieving the goals under subd. 6., including any planned  
21 investments, grants, development incentives, cooperative agreements, land or  
22 easement purchases, land donations, and promotion and public outreach activities.

23          8. A description of any current or proposed land use controls in the proposed  
24 agricultural enterprise area, including farmland preservation agreements.

(b) Petitioners under sub. (2) may include in the petition the names and addresses of other persons who propose to cooperate in achieving the goals under par.

(a) 6.

**SECTION 76.** 92.04 (2) (c) of the statutes is repealed.

**SECTION 77.** 92.05 (3) (L) of the statutes is amended to read:

92.05 (3) (L) *Technical assistance; performance standards.* The department shall provide technical assistance to county land conservation committees and local units of government for the development of ordinances that implement standards adopted under s. 92.07 (2), ~~92.105 (1)~~, 92.15 (2) or (3) or 281.16 (3). The department's technical assistance shall include preparing model ordinances, providing data concerning the standards and reviewing draft ordinances to determine whether the draft ordinances comply with applicable statutes and rules.

**SECTION 78.** 92.104 of the statutes is repealed.

**SECTION 79.** 92.105 of the statutes is repealed.

**SECTION 80.** 92.106 of the statutes is repealed.

**SECTION 81.** 92.14 (2) (e) of the statutes is amended to read:

92.14 (2) (e) Promoting ~~compliance with the requirements under ss. 92.104 and 92.105~~ soil and water conservation by persons claiming ~~a~~ farmland preservation ~~credit~~ tax credits under subch. IX of ch. 71.

**SECTION 82.** 92.14 (3) (a) 1. of the statutes is amended to read:

92.14 (3) (a) 1. Compliance with soil and water conservation requirements under ~~ss. 92.104 and 92.105~~ by applicable to persons claiming ~~a~~ farmland preservation ~~credit~~ tax credits under subch. IX of ch. 71.

**SECTION 83.** 92.14 (3) (d) of the statutes is amended to read:

1           92.14 (3) (d) Implementing land and water resource management projects  
2           undertaken to comply with the soil and water conservation requirements under ss.  
3           ~~92.104 and 92.105~~ by applicable to persons claiming a farmland preservation credit  
4           tax credits under subch. IX of ch. 71.

5           **SECTION 84.** 93.06 (10m) of the statutes is amended to read:

6           93.06 (10m) FARMLAND PRESERVATION COLLECTIONS. Enter into contracts to  
7           collect amounts owed to the state under ch. 91, 2007 stats., as the result of the  
8           relinquishment of, or the release of land from, a farmland preservation agreement  
9           or as the result of the rezoning of land zoned for exclusive agricultural use.

10          **SECTION 85.** 101.143 (4) (ei) 1m. a. of the statutes is amended to read:

11          101.143 (4) (ei) 1m. a. The owner or operator of the farm tank owns a parcel  
12          of 35 or more acres of contiguous land, on which the farm tank is located, which is  
13          devoted primarily to agricultural use, as defined in s. 91.01 (1) (2), including land  
14          designated by the department of natural resources as part of the ice age trail under  
15          s. 23.17, which during the year preceding submission of a first claim under sub. (3)  
16          produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or  
17          which, during the 3 years preceding that submission produced gross farm profits, as  
18          defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres, on  
19          which the farm tank is located, of which at least 35 acres, during part or all of the  
20          year preceding that submission, were enrolled in the conservation reserve program  
21          under 16 USC 3831 to 3836.

22          **SECTION 86.** 101.143 (4) (ei) 1m. b. of the statutes is amended to read:

23          101.143 (4) (ei) 1m. b. The claim is submitted by a person who, at the time that  
24          the notification was made under sub. (3) (a) 3., was the owner of the farm tank and  
25          owned a parcel of 35 or more acres of contiguous land, on which the farm tank is or

1 was located, which was devoted primarily to agricultural use, as defined in s. 91.01  
2 ~~(1)~~ (2), including land designated by the department of natural resources as part of  
3 the ice age trail under s. 23.17, which during the year preceding that notification  
4 produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or  
5 which, during the 3 years preceding that notification, produced gross farm profits,  
6 as defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres, on  
7 which the farm tank is located, of which at least 35 acres, during part or all of the  
8 year preceding that notification, were enrolled in the conservation reserve program  
9 under 16 USC 3831 to 3836.

10 **SECTION 87.** 165.25 (4) (ar) of the statutes is amended to read:

11 165.25 (4) (ar) The department of justice shall furnish all legal services  
12 required by the department of agriculture, trade and consumer protection relating  
13 to the enforcement of ss. 91.68, 93.73, 100.171, 100.173, 100.174, 100.175, 100.177, 100.18,  
14 100.182, 100.195, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42,  
15 100.50, and 100.51, and 100.55, and chs. 126, 136, 344, 704, 707, and 779, together  
16 with any other services as are necessarily connected to the legal services.

17 **SECTION 88.** 281.16 (3) (e) of the statutes is amended to read:

18 281.16 (3) (e) An owner or operator of an agricultural facility or practice that  
19 is in existence before October 14, 1997, may not be required by this state or a  
20 municipality to comply with the performance standards, prohibitions, conservation  
21 practices or technical standards under this subsection unless cost-sharing is  
22 available, under s. 92.14 or 281.65 or from any other source, to the owner or operator.  
23 For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), ~~92.105 (1)~~, 92.15 (4) and  
24 823.08 (3) (c) 2., the department of natural resources shall promulgate rules that  
25 specify criteria for determining whether cost-sharing is available under s. 281.65

1 and the department of agriculture, trade and consumer protection shall promulgate  
2 rules that specify criteria for determining whether cost-sharing is available under  
3 s. 92.14 or from any other source. The rules may not allow a determination that  
4 cost-sharing is available to meet local regulations under s. 92.07 (2), ~~92.105 (1)~~ or  
5 92.15 that are consistent with or that exceed the performance standards,  
6 prohibitions, conservation practices or technical standards under this subsection  
7 unless the cost-sharing is at least 70% of the cost of compliance or is from 70% to 90%  
8 of the cost of compliance in cases of economic hardship, as defined in the rules.

9 **SECTION 89.** 281.65 (5) (b) of the statutes is amended to read:

10 281.65 (5) (b) Prepare sections of the priority watershed or priority lake plan  
11 relating to farm-specific implementation schedules, requirements under ~~ss. 92.104~~  
12 ~~and 92.105~~ s. 281.16 (3), animal waste management and selection of agriculturally  
13 related best management practices and submit those sections to the department for  
14 inclusion under sub. (4m) (b). The best management practices shall be cost-effective  
15 best management practices, as specified under sub. (4) (e), except in situations in  
16 which the use of a cost-effective best management practice will not contribute to  
17 water quality improvement or will cause a water body to continue to be impaired as  
18 identified to the federal environmental protection agency under 33 USC 1313 (d) (1)  
19 (A).

20 **SECTION 90.** 281.65 (5) (d) of the statutes is amended to read:

21 281.65 (5) (d) Develop a grant disbursement and project management schedule  
22 for agriculturally related best management practices to be included in a plan  
23 established under sub. (4) (g) and identify recommendations for implementing  
24 activities or projects under ss. 92.10, ~~92.104 and 92.105~~ and 281.16 (3).

25 **SECTION 91.** 281.65 (5) (e) of the statutes is amended to read:



1           281.65 (5) (e) Identify areas within a priority watershed or priority lake area  
2 that are subject to activities required under ~~ss. 92.104 and 92.105~~ s. 281.16 (3).

3           **SECTION 92.** 289.33 (3) (d) of the statutes is amended to read:

4           289.33 (3) (d) "Local approval" includes any requirement for a permit, license,  
5 authorization, approval, variance or exception or any restriction, condition of  
6 approval or other restriction, regulation, requirement or prohibition imposed by a  
7 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by  
8 a town, city, village, county or special purpose district, including without limitation  
9 because of enumeration any ordinance, resolution or regulation adopted under s.  
10 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2),  
11 (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24),  
12 (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19),  
13 (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10),  
14 (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4),  
15 (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57  
16 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1),  
17 (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), (6), (7), (8),  
18 (10) and (11), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34,  
19 61.35, 61.351, 61.354, 62.11, 62.23, 62.231, 62.234, 66.0101, 66.0415, 87.30, ~~91.73,~~  
20 196.58, 200.11 (8), 236.45, 281.43 or 349.16 ~~or~~, subch. VIII of ch. 60, or subch III of  
21 ch. 91.

22           **SECTION 93.** 823.08 (2) (b) of the statutes is amended to read:

23           823.08 (2) (b) "Agricultural use" has the meaning given in s. 91.01 ~~(1)~~ (2).

24           **SECTION 94.** 846.04 (1) of the statutes is amended to read:

1           846.04 (1) The plaintiff may, in the complaint, demand judgment for any  
2       deficiency that may remain due the plaintiff after sale of the mortgaged premises  
3       against every party who is personally liable for the debt secured by the mortgage.  
4       Judgment may be rendered for any deficiency remaining after applying the proceeds  
5       of sale to the amount due. The judgment for deficiency shall be ordered in the original  
6       judgment and separately rendered against the party liable on or after the  
7       confirmation of sale. The judgment for deficiency shall be entered in the judgment  
8       and lien docket and, except as provided in subs. (2) and (3), enforced as in other cases.  
9       A mortgage foreclosure deficiency judgment entered on or after October 14, 1997, on  
10      property devoted primarily to under agricultural use, as defined in s. 91.01 (5), on  
11      ~~and after October 14, 1997, (2), for at least 12 consecutive months during the~~  
12      preceding 36-month period shall be recorded as an agriculture judgment.

13           **SECTION 95.** 846.04 (2) of the statutes is amended to read:

14           846.04 (2) Except as provided in sub. (3), if a mortgage foreclosure deficiency  
15      judgment is entered on property devoted primarily to under agricultural use, as  
16      defined in s. 91.01 (5), (2), for at least 12 consecutive months during the preceding  
17      36-month period, an action on the deficiency judgment shall be commenced within  
18      10 years after the date on which the mortgage foreclosure deficiency judgment is  
19      entered or be barred.

20           **SECTION 96.** 946.13 (2) (g) of the statutes is amended to read:

21           946.13 (2) (g) Contracts with, or tax credits or payments received by, public  
22      officers or employees for wildlife damage claims or abatement under s. 29.889, for  
23      farmland preservation under s. 91.13, 2007 stats., or s. 91.60 or subch. IX of ch. 71  
24      ~~and s. 91.13~~, soil and water resource management under s. 92.14, soil erosion control

1 under s. 92.10, 1985 stats., animal waste management under s. 92.15, 1985 stats.,  
2 and nonpoint source water pollution abatement under s. 281.65.

3 **SECTION 9343. Initial applicability; Revenue.**

4 (1) FARMLAND PRESERVATION CREDIT. The treatment of section 71.613 of the  
5 statutes first applies to taxable years beginning on January 1, 2010.

6 (END)

*DN*

**2009-2010 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0203/2insMES  
RCT&MES:cjs:ph

1           INS 31-25

2           (g) For the 2011-2012 fiscal year, and for every succeeding fiscal year, the  
3       department shall prorate the per acre amounts specified in sub. (2) based on the  
4       department's estimated amount of eligible claims that will be filed for that taxable  
5       year, and to account for any excess <sup>claims</sup> payments that were authorized in the preceding  
6       fiscal year <sup>that are required</sup> but paid in the year subsequent to that year, as described in par. (f). <sup>from the</sup>

7           (h) If the payment to which an eligible claimant is entitled under sub. (2) is  
8       delayed because the claim was an excess claim, as described in par. (f), the claimant  
9       is not entitled to any interest payment under s. 71.82 with regard to the delayed  
10      claim or with regard to any other refund to which the claimant is entitled if that other  
11      refund claim is claimed on the same income tax return as the credit under this  
12      section. <sup>to be paid under</sup>

**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0203/2insRT

RCT:.....

**Insert 72-3**

\*\*\*NOTE: This is a reconciled treatment of ch. 91 (from LRB-0203). If this SECTION is deleted, treatment of some provisions of ch. 91 from LRB-1156 must be restored.

**Insert 74-16**

\*\*\*NOTE: This is reconciled s. 165.25 (4) (ar). This SECTION has been affected by drafts with the following LRB numbers: -0202/2 and -0203/1. ✓

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0203/2dn

RCT:.....

gjs

This draft reconciles LRB-0202, LRB-0203, LRB-1156, LRB-1280, and LRB-1295.  
All of these drafts should continue to appear in the compiled bill. ↗

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0203/2dn  
RCT:cjs:md

January 30, 2009

This draft reconciles LRB-0202, LRB-0203, LRB-1156, LRB-1280, and LRB-1295.  
All of these drafts should continue to appear in the compiled bill.

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